

## **REMARKS**

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed February 24, 2005. Claims 13-19 were rejected. The claims have been amended to address the concerns raised by the Examiner.

Claims 1-20 were originally presented. Claims 1-12 and 20 were previously cancelled without prejudice. Claims 13-19 remain in the application. Claim 13 has been amended. Claim 21 has been added.

### **Claim Rejections - 35 U.S.C. § 103**

Claims 13-19 (including independent claim 13) were rejected under 35 U.S.C. § 103 as being unpatentable over Kay, US 6,223,166, in view of Freeman et al., US 6,068,183 (hereinafter referred to as “Freeman”).

The Kay and Freeman references, when combined, do not teach or suggest all of the elements of amended claim 13. Specifically, the Kay reference does not teach accepting an electronic ticket by optical communication between a display output and a ticket receiving unit, and the Freeman reference does not overcome that deficiency. Nor does either reference disclose the concept of using a personal digital assistant, a laptop computer, a tablet computer, an electronic organizer, or a cell phone to display the electronic output.

The Kay reference discloses a cryptographic encoded, ticket issuing and collection system. The system involves downloading a ticket to a computer and printing a hard copy of the ticket. In contrast, the present invention specifically avoids the costly and inconvenient practice of printing a hard copy of the ticket. (See present application, ¶ 0005). Rather than using paper, the present invention enables customers to simply download an electronic ticket at an event parking lot and walk into the event by optically communicating the electronic ticket with a ticket receiving unit. (present application, ¶ 0016).

Freeman teaches a method of disclosing advertisement information to a “chip card”. The chip card disclosed has limited communications range, requiring a host computer to be connected to a chip card reader. (See Freeman, FIG 5a, 5b; Col. 5, lines 29-35). For example, Freeman

discloses that a stadium chip card system can be used to download electronic tickets. (See Freeman, col. 5, lines 53-65). In order for the Freeman system to work, substantially all of the elements of FIG. 5 would have to be purchased and set up, including a chip card for each person or group, a chip card programmer for each chip card (or a communication link), a card reader at the point of sale, a host computer, and a database. The overhead cost of supplying the necessary hardware and software is often prohibitive to new ventures. Further, overcoming the natural predisposition of people against accepting something new, such as the chip card, can further stymie even the best of technologies. Many people resist new inventions, especially when they require them to put something new in their already bulging pockets, wallet, or purse.

In contrast, amended claim 13 includes the use of a personal digital assistant, a laptop computer, a tablet computer, an electronic organizer, or a cell phone to receive and display electronic tickets and amenities. A large percentage of the public already carry one or more of these devices with them in their everyday life. There is no need for most members of the public to purchase anything. An industry which desires to incorporate the present invention, such as a stadium or theater, would merely need to purchase ticket receiving units, along with software to facilitate purchasing of the electronic tickets. Thus, the present invention eliminates much of the costly overhead along with the need for the public to purchase and carry new electronic devices. People can use their existing devices, such as cell phones or PDAs, to purchase tickets and receive amenities without having to wait in line at a box office or ticket booth. The vastly reduced amount of overhead and increased convenience can enable the present invention to succeed where others, such as that disclosed in Freeman, have failed.

Therefore, Applicant respectfully submits that claim 13 is allowable, and urges the Examiner to withdraw the rejection.

Concerning dependent claim 18, neither Kay nor Freeman disclose the concept of providing an electronic event program via remote communication. An electronic event program can provide an inexpensive means for a member of the entertainment industry to distinguish itself from other entertainment venues in a tight market. For example, a professional sporting team (or industry) using the system disclosed in the present invention could sell a package deal enabling fans to receive team news, statistics, and other information into their phones or PDAs.

Movie theaters may enable customers to download future movie titles and movie times to be shown at the theater. This concept was not disclosed or suggested in the prior art because no one had realized the extensive marketing value of “providing an electronic event program … to be downloaded and viewed based on the accepted ticket”. Thus, dependent claim 18 is patentably distinct and should be allowed.

New independent claim 21 comprises the subject matter of claims 1 and 18. Therefore, claim 21 should also be allowed.

Rejection of the dependent claims 14-19 should be reconsidered and withdrawn for at least the reasons given above with respect to the independent claims. The dependent claims, being narrower in scope, are allowable for at least the reasons for which the independent claim is allowable.

## **CONCLUSION**

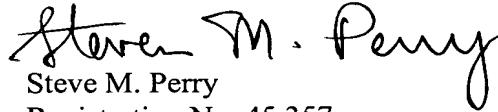
In light of the above, Applicant respectfully submits that pending claims 13-19 and 21 are now in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Steve Perry at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

One independent claim was added (claim 21), while 15 claims have been canceled (claims 1-12, 19, and 20), including two independent claims (claims 1 and 9). Therefore, no additional fee is due.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 08-2025.

DATED this 17th day of May, 2004.

Respectfully submitted,

  
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